

STATE BUILDING CODE TECHNICAL REVIEW BOARD  
MEETING

Friday, May 19, 2017

RICHMOND, VIRGINIA

Members Present

Mr. J. Robert Allen, Chairman  
Mr. W. Keith Brower  
Mr. Vince Butler  
Mr. J. Daniel Crigler  
Mr. E.G. Middleton, III  
Ms. Joanne D. Monday  
Ms. Patricia S. O'Bannon  
Mr. W. Shaun Pharr, Esq.  
Mr. Aaron Zdinak, PE

Members Absent

Mr. Matthew Arnold  
Mr. James R. Dawson, Vice Chairman  
Mr. Alan D. Givens  
Mr. Joseph A. Kessler, III  
Mr. Eric Mays, PE

Call to Order

The meeting of the State Building Code Technical Review Board ("Review Board") was called to order by the Chairman at approximately 10:00 a.m.

Roll Call

The attendance was established by the Secretary, Alan W. McMahan, Secretary, and constituted a quorum. Mr. Justin I. Bell, Assistant Attorney General in the Office of the Attorney General, was present and serving as the Board's legal counsel.

Approval of Minutes

Prior to a vote on the minutes from the April 21, 2017 meeting, Mr. McMahan recommended a revision adding the Secretary's Report to the April 21, 2017 minutes; they were not in the draft minutes included in the May 19, 2017 Agenda Package. Mr. Butler moved to approve the minutes of the April 21, 2017 meeting as presented in the Review Board members' agenda package, with the aforementioned revision. The motion was seconded by Ms. Monday and passed unanimously with Mr. Middleton and Ms. O'Bannon abstaining.

Public Comment

The Chairman opened the floor for public comment. Mr. Richard Criqui, Mr. Larry Engle, and Ms. Eileen Engle had preregistered to offer public comment. Those registered offered comments on the Final Order of the Richard Criqui appeal which was on the agenda for reconsideration. During his comments, Mr. Criqui submitted § 36-99 (*Provisions of Code; modifications*) from the Code of Virginia. Following their comments, the Chairman closed the public comment period.

Final Orders

Appeal of Gregory & Leah Thorpe; Appeal No. 16-11:

After review and consideration, Ms. Monday moved to approve the final order as presented in the Review Board members' agenda package. The motion was seconded by Mr. Brower and passed with Messrs. Butler and Middleton, and Ms. O'Bannon abstaining.

Old Business

Reconsideration - Appeal of Richard Criqui; Appeal No. 16-8:

Mr. McMahan explained to Review Board members that the purpose of reconsidering the Criqui Final Order was to add two items which were ruled upon during the Criqui appeal hearing on February 17, 2017, but were inadvertently omitted in the Final Order presented to the Review Board for approval at its April 21, 2017 meeting. Subsequently, Ms. O'Bannon moved to reconsider the Final Order and add the omitted items. The motion was seconded by Crigler and passed with Messrs. Butler and Pharr abstaining.

New Business

Appeal of Nihad AliAkbar; Appeal No. 17-1:

A hearing reconvened with the Chairman serving as the presiding officer.

The following persons were sworn in and given the opportunity to present testimony:

New Business (con't)

Nihad AliAkbar, property owner  
Michael Adams, for Fairfax County  
Manny Felipe, for Fairfax County  
Desirae Luha, for Fairfax County

Appeal of Nihad AliAkbar; Appeal No. 17-1 (cont'd):

Also present were:

Aristotelis Chronis, Esq., counsel for Mr. AliAkbar

Paul Emerick, Esq., counsel for Fairfax County

After testimony concluded, the Chairman closed the hearing and stated a decision from the Review Board members would be forthcoming and the deliberations would be conducted in open

session. It was further noted that a final order reflecting the decision would be considered at a subsequent meeting and, when approved, would be distributed to the parties and would contain a statement of further right of appeal.

Decision: Appeal of Nihad AliAkbar; Appeal 17-1:

After deliberation, Mr. Pharr moved that the Review Board find the Notice of Violation deficient for not specifically referencing Section 119 of the VCC. The motion was seconded by Crigler and passed with Mr. Brower voting in opposition.

Interpretations

An interpretation request from Fairfax County was considered concerning the use of delayed egress locks as required exit doors in accessory Group A occupancies located in Group I-2 occupancies. After discussion, the board decided not to issue an interpretation due to a lack of specificity in the interpretation request.

Secretary's Report

Mr. Bell updated Review Board members about several decisions that were appealed. Cindy Davis, Deputy Director of the Division of Building and Fire Regulation, informed Review Board members on Building Safety Month activities occurring in May, including a proclamation by the governor, and a competition between jurisdictions; the division's high school essay contest; and the Blueprint for the Future Design competition. Mr. McMahan informed Review Board members on the status of remaining appeals, and that the next meeting will be on June 15, 2017.

Adjournment

The meeting was adjourned by motion of Mr. Middleton at approximately 12:31 p.m.

Approved: June 15, 2017

/S/

Chairman, State Building Code Technical Review Board

/S/

Secretary, State Building Code Technical Review Board